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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,394	03/19/2001	Kenneth H. Crain	108292.00003	3372

7590 01/11/2006
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EXAMINER

NGUYEN, CAO H

ART UNIT PAPER NUMBER

2173

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,394

Applicant(s)

CRAIN ET AL.

Examiner

Cao (Kevin) Nguyen

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Levin (US Patent No. 6,385,590).

Regarding claim 1, Levin discloses a method of reconstructing visual stimuli observable through a browser-based interface, comprising receiving content for reconstruction [..respondent visit the stimulus on the website; see col. 2, lines 18-44]; receiving data related to the content [program associated with a webpage used to displayed stimulus; see col. 3, lines 1-9]; displaying a portion of the content based on the data [the portion of the webpage; see col. 3, lines 10-15; and reconstructing the displayed portion, wherein the reconstructed displayed portion represents visual stimuli displayed during a time period specified by a user [recording in one-half second interval in the viewable of the browser; see col. 3, lines 19-45, and col. 4, lines 1-52].

Regarding claim 2, Levin discloses wherein the data is a network address of online content displayed within a browser window at a point in time during the specified time period [..what is expected of the respondent and how much time; see col. 4, lines 53-65].

Regarding claim 3, Levin discloses the online content displayed within a browser window [..graphical file format as a webpage using an Internet browser; see col. 5, lines 1-11].

Regarding claim 4, Levin discloses wherein the data is a two-dimensional position of a pointing device (see figures 1-2).

Regarding claim 5, Levin discloses wherein the data comprises textual and binary objects systematically displayed within each browser window (see col. 5, lines 21-67).

Regarding claim 6, Levin discloses wherein the parameter is a graphical image of online content as displayed in a browser window (see col. 6, lines 13-40).

Regarding claim 7, Levin discloses wherein the parameter is an inventory of objects that comprise online content, and the two-dimensional position of each object in a browser window (see col. 6, lines 41-67).

Regarding claim 9, Levin discloses a method of reconstructing visual stimuli observable through a browser-based interface, comprising receiving content for reconstruction [..respondent visit the stimulus on the website; see col. 2, lines 18-44]; receiving data related to the content [program associated with a webpage used to displayed stimulus; see col. 3, lines 1-9]; displaying a portion of the content based on the data [the portion of the webpage; see col. 3, lines 10-15; and reconstructing the displayed portion, wherein the reconstructed displayed portion represents visual stimuli displayed during a time period specified by a user [recording in one-half second interval in the viewable of the browser; see col. 3, lines 19-45, and col. 4, lines 1-52]; and wherein the data is a user pupil dilation [plurality respondent data; see col. 6, lines 41-67 and figure 8].

Regarding claim 10, Levin discloses displaying a portion of a parent web page in a child page as a function of a user input during the specified time period (see col. 7, lines 4-25).

Regarding claim 11, Levin discloses comprising calculating a size of a visual area displayed (see col. 8, lines 9-34).

Regarding claim 12, Levin discloses comprising masking an area of the content during reconstruction that was not displayed during the specified time period (see col. 8, lines 36-56).

Regarding claim 13, Levin discloses comprising displaying the unmasked content in relation to the masked content during the specified time period (see figures 4-6).

Regarding claim 14, Levin discloses wherein data is stored as an article identifiable as an alphanumeric string (see figure 8).

Regarding claim 15, Levin discloses wherein the content is displayed in a parent web page and a child web page. further comprising assigning a unique ID to the displayed in a parent web page and the displayed each child web page (see figures 2 and 8).

As claims 16-19 and 21 are analyzed as previously discussed with respected to claims 2-4 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 22-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Levin in view of Rapport et al. (US Patent No. 5,890,152).

Regarding claims 8 and 22-23, Levin discloses a method of reconstructing visual stimuli observable through a browser-based interface, comprising receiving content for reconstruction [..respondent visit the stimulus on the website; see col. 2, lines 18-44]; receiving data related to the content [program associated with a webpage used to displayed stimulus; see col. 3, lines 1-9]; displaying a portion of the content based on the data [the portion of the webpage; see col. 3, lines 10-15; and reconstructing the displayed portion, wherein the reconstructed displayed portion represents visual stimuli displayed during a time period specified by a user [recording in one-half second interval in the viewable of the browser; see col. 3, lines 19-45, and col. 4, lines 1-52]. However, Levin fails to explicitly teach reconstructing the displayed portion of visual stimuli as a function of a user's eye position.

Rapaport discloses reconstructing the displayed portion of visual stimuli as a function of a user's eye position (see Rapaport, col. 25, lines 30-35 and col. 12, lines 55-58). It would have been obvious to one of an ordinary skill in the art, having the teaching of Levin and Rapaport before him at the time the invention was made, to modify the browser stimuli of Levin to include personal feedback, as taught by Rapaport in order to provide an improved system of analyzing user interest in displayed information.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

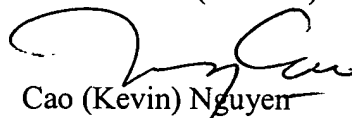
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeza can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

01/07/06